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Attorney for Petitioner

UNITED STATES DISTRICT COURT

DISTRICT OF NEVADA

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|--------------------------|---|-----------------------------|
| PABLO RAMON GUERRERO, |) | 2:13-cv-00328-JAD-CWH |
| |) | |
| Petitioner, |) | ORDER GRANTING |
| vs. |) | UNOPPOSED MOTION FOR |
| |) | ENLARGEMENT |
| BRIAN E. WILLIAM, et al. |) | |
| |) | FIRST REQUEST |
| Respondents. |) | ECF No. 89 |
| |) | |

Petitioner, PABLO RAMON GUERRERO by and through counsel, DAVID K. NEIDERT, respectfully asks this Court for a 45-day enlargement, up to and including February 19, 2018, in which to file the Response to the Motion to Dismiss.

This is the first request for an Enlargement made since the Respondents filed their Motion to Dismiss. This request is based on the following declaration by undersigned counsel.

Respectfully submitted this 5th day of January, 2018.

/s/ David K. Neidert
Attorney at Law

1 **Declaration by David K. Neidert**

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3 I, David K. Neidert, do declare under the pains and penalties of perjury that this
4 Declaration is true:

- 5 1. I am the attorney for the Petitioner in this case.
- 6 2. I was appointed as counsel for Mr. Guerrero on November 1, 2017. At the time I was
7 appointed to represent Mr. Guerrero, I was preparing for jury trial in *United States v.*
8 *Edward Smith*, 3:cv-15-61-HDM-WGC, which was scheduled to commence on
9 December 11, 2017. As a result, I was concentrating my time on that endeavor.
- 10 3. The record I received includes the transcripts from an eight-day jury trial, two sentencing
11 hearings, and nine evidentiary hearings involving both Mr. Guerrero and his co-
12 defendants. Obviously, this totals thousands of pages of documents., all of which require
13 review
- 14 4. I have also recently accepted appointment as counsel in three other federal habeas corpus
15 cases, some of which have records similar in length to this case.
- 16 5. Today I spoke with Heather Procter, the Senior Deputy Attorney General assigned this
17 case. Ms. Procter graciously agreed to my request for an enlargement.

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19 This is the first request for an Enlargement I have sought with respect to this motion and
20 it is not brought for purposes of delay or any other improper purpose.

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22 Respectfully submitted this 5th day of January, 2017.

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24 /s/ David K. Neidert
25 DAVID K. NEIDERT
26 Counsel for Petitioner

27 **ORDER**

28 Good cause appearing, the unopposed motion to extension [ECF No. 89] is GRANTED. Plaintiff has until 2/19/18 to respond to the motion to dismiss.



U.S. District Judge Jennifer Dorsey
January 8, 2018